



The **WALT DISNEY** Company

Susan L. Fox  
Vice President  
Government Relations

February 13, 2006

Ms. Donna Gregg  
Chief, Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Room TWB204  
Washington, D.C. 20054

**Ex Parte Presentation in MB Docket No. 03-15;  
File No. BFRECT-20050209AKQ; and  
File No. BFRECT-20050120ATK**

Dear Ms. Gregg:

On January 19, representatives of WABC and WNJB met with the Commission to address the issues raised in WABC's Emergency Petition relating to WABC's and WNJB's digital channel selections. As noted in my earlier ex parte notice, during that meeting representatives of WABC responded briefly to WNJB's proposal, raised for the first time during that meeting, to locate its facilities at Four Times Square, in New York City. WABC raised concerns with that proposal, but pledged to review carefully the technical parameters of any such proposal.

WABC appreciates the Commission's efforts to encourage a settlement of this matter. However, since the meeting on January 19, WABC has not received any further communication from WNJB or any details of its new proposal. WABC has not been asked to fund WNJB's new proposal to move to Four Times Square, and has no intent of doing so. Moreover, while we remain open to any further meetings and remain committed to reviewing any further filings on this matter and exploring alternatives WABC has raised with WNJB several times, we would like to stress for the record that in our view the Commission should proceed to address the merits of WABC's Emergency Petition. WABC also respectfully requests that the Commission establish a deadline by which WNJB is required to submit any new technical proposals or else forfeit the ability to make such technical proposals at a later date.

On a related matter, we also stress that WNJB is subject to the July 1, 2006 deadline for "use it or lose it" construction of its DTV facilities. In the interest of clarity, WABC states for the record that it will object to any motion by WNJB to extend this deadline because such an extension would not be in the public interest given the matters that are raised in WABC's Emergency Petition.



I also will reiterate the points made by WABC during the meeting on January 19, namely: (1) that WABC continues to believe that remaining on channel 7 is the best way to serve its viewers; (2) that the predicted interference to WNJB occurs largely in areas of New York (that is already covered by another non-commercial television station owned by the licensee of WNJB); (3) that WABC has presented alternative solutions that would accomplish WNJB's charter goal of serving viewers in New Jersey and that would permit WABC to remain on channel 7; (4) that WABC would like to work with WNJB to achieve a cooperative solution; and (5) that co-location of WNJB's facilities on the Empire State Building is not feasible.

This letter is filed pursuant to Section 1.1206 of the Commission's rules, and this letter should be treated as a written ex parte communication. Representatives of WNJB, as well as their counsel, will receive copies of this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan L. Fox". The signature is stylized and cursive.

Susan L. Fox  
Vice President, Government Relations

cc: Marlene Dortch, Secretary  
Heather Dixon, Office of Chairman Martin  
Donna Gregg, FCC MB  
William Johnson, FCC MB  
Mary Beth Murphy, FCC MB  
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